

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:)
)
FRED A DIXON, JR., #31883,) **3:05-MC-020-K**

**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to the provisions of 28 U.S.C. § 636(b), and an order of the District Court in implementation thereof, the subject cause has been referred to the United States Magistrate Judge. The findings, conclusions and recommendation of the Magistrate Judge are as follows:

FINDINGS AND CONCLUSIONS:

Plaintiff is barred from proceeding *in forma pauperis* by the three-strike provision of 28 U.S.C. § 1915(g); he is also barred from filing any civil action unless he first obtains prior written consent from a District Judge or a Magistrate Judge. See Dixon v. Doe, 3:03cv2794-K (N.D. Tex., Dallas Div. Jan. 5, 2004) (three-strike dismissal); Dixon v. Lake Charles Sheriff's Department, 3:03cv2232-M (N.D. Tex., Dallas Div. Jan. 28, 2004) (sanction order).

On January 28, 2005, Plaintiff filed a motion for leave to proceed *in forma pauperis*, which the court construed as a motion for leave to file as well as a request for leave to proceed *in forma pauperis*. A review of the motion reflects that Plaintiff has not set out any reason why this court should grant him leave to file. Nor has he submitted a proposed complaint. On February 24, 2005, the court ordered Plaintiff to submit, within thirty days, a proposed complaint along with an amended motion seeking leave to file, setting out all reasons why leave to file should be granted. On March 28, 2005, Plaintiff filed a pleading, which the court has construed as a

complaint.

Upon review of the motion for leave to and the proposed complaint, the Magistrate Judge finds that Plaintiff has failed to present a good cause basis for granting the motion for leave to file.

RECOMMENDATION

For the foregoing reasons, it is recommended that the District Court enter an order denying Plaintiff Fred A. Dixon's motion for leave to file.

A copy of this recommendation will be mailed to Fred A. Dixon, Jr., No. 31883, Brazoria County Jail, 7602 County Road 4 S, Angleton, Texas 77515.

Signed this 10th day of May, 2005.



WM. F. SANDERSON, JR.
UNITED STATES MAGISTRATE JUDGE

NOTICE

In the event that you wish to object to this recommendation, you are hereby notified that you must file your written objections within ten days after being served with a copy of this recommendation. Pursuant to Douglass v. United Servs. Auto Ass'n, 79 F.3d 1415 (5th Cir. 1996) (en banc), a party's failure to file written objections to these proposed findings of fact and conclusions of law within such ten-day period may bar a *de novo* determination by the district judge of any finding of fact or conclusion of law and shall bar such party, except upon grounds of plain error, from attacking on appeal the unobjected to proposed findings of fact and conclusions of law accepted by the district court.